

UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE/BRYSON CITY DIVISIONS

In re )  
 ) Chapter 13  
Carl Lee Hayes, Jr. )  
Donna Walters Hayes )  
 ) Case # 11-11148  
Debtor(s) )

**TRUSTEE'S NOTICE OF COMPLETION OF MORTGAGE ARREARAGE/DEFAULT  
CURE PAYMENTS AND MOTION TO DEEM MORTGAGE LOAN ACCOUNT  
CURRENT AND NOT IN DEFAULT**

**REAL PROPERTY CREDITOR: Wells Fargo Home Mortgage  
Account Number: \*\*\*\*1236**

Pursuant to Fed. R. Bank. P. 3002.1(f)-(i) and Local Rule 3003-1(f)(2) the undersigned Chapter 13 Trustee hereby provides notice and moves the Court as follows:

1. The debtors' Chapter 13 plan was confirmed by order entered 05/03/2012.
2. The debtors' plan contained provisions for payment by the debtor through the Chapter 13 Trustee of all required conduit mortgage payments and all of the cure payments for any pre-petition and/or post-petition arrearages for the above-named real property creditor.
3. The real property creditor, including successors, assignees, or transferees of record, is Wells Fargo Home Mortgage.
4. The debtors have completed payments to the Trustee under the Chapter 13 plan as confirmed, with any post-confirmation amendments or modifications.
5. The final plan payment disbursement to the real property creditor by the Trustee was made by check dated November 3, 2017 mailed on November 17, 2017.
6. All conduit mortgage payments, as well as all arrearage cure payments and any cost advances or other contractual expense claims that have been filed with the Court and provided for by the plan, have now been made to the real property creditor by Trustee payment and the real property creditor has been paid to a current status through November 2017.
7. The debtors' responsibility to resume timely mortgage payments directly to the real property creditor begins with the payment contractually due for December 2017. Separate notice of this requirement has been provided to the debtors.
8. The Trustee's formal history of all disbursements of conduit mortgage payments, as well as all disbursements of arrearage cure payments and any cost advances or other

contractual expense claim payments due to the real property creditor, as filed with the Court and provided for by the plan, is available for review upon request and, if needed, shall be tendered to the Court if a hearing is required.


9. The status of the debtors' mortgage loan account with the real property creditor should be deemed contractually current pursuant to Local Rule 3003-1(f) as cited hereinabove.

**Wherefore, the Trustee respectfully provides notice and moves the Court for an order providing as follows:**

1. That all mortgage loan payment requirements for the real property creditor are now contractually current through November 2017 including the completion of any required cure payments for pre-petition and/or post-petition mortgage arrearages/defaults.
2. That the debtors shall resume direct mortgage loan payments to the real property creditor with the first such direct payment to be credited by the real property creditor for the payment contractually due for December 2017.
3. That the Chapter 13 Trustee's responsibilities under the provisions of the plan to the real property creditor and to the debtors have been satisfied.
4. For such other relief as is appropriate and just.

Dated this the 17<sup>th</sup> day of November, 2017.

DAVID G. GRAY, CHAPTER 13 TRUSTEE

  
By: David G. Gray  
81 Central Avenue  
Asheville, NC 28801  
828/254-7168  
NC Bar No. 1733

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**NOTICE OF OPPORTUNITY FOR HEARING**

To: [ Lender, Debtor's Attorney; Debtor ]

PLEASE TAKE NOTICE that the Chapter 13 Trustee has filed Trustee's Notice of Completion of Mortgage Arrearage Cure Payments and Motion to Deem Mortgage Loan Account Current. . A copy of said pleading is attached hereto.

Any response or objection to the pleading must be filed in writing with the Bankruptcy Court and a copy served on the attorney for the Trustee within 21 days of the date of this notice. If no objections are filed and served in a timely manner, the Trustee will submit an order to the Court granting the relief requested.

A hearing on any objections filed and served in a timely manner will be held on Tuesday, the 19<sup>th</sup> day of December, 2017 at 9:30 a.m. in the Bankruptcy Courtroom, Federal Courthouse, Otis Street, Asheville, NC 28801.

This the 17<sup>th</sup> day of November, 2017.

DAVID G. GRAY, CHAPTER 13 TRUSTEE



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Asheville, NC 28801  
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